

1 BARRY J. PORTMAN
Federal Public Defender
2 NICHOLAS P. HUMY
Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
San Jose, CA 95113
4 Telephone: (408) 291-7753
5 Counsel for Defendant PORTER

6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 07-00362 JF
)	
12 Plaintiff,)	STIPULATION TO CONTINUE
13 v.)	STATUS DATE; [PROPOSED] ORDER
)	
14 JOAKELLE PORTER,)	
)	
15 Defendant.)	
_____)	

16 Defendant and the government, through their respective counsel, hereby stipulate that,
17 subject to the court's approval, the status hearing date in the above-captioned matter, presently
18 scheduled for Wednesday, September 05, 2007, at 9:00 a.m., be continued to Wednesday,
19 September 12, 2007, at 9:00 a.m. The continuance is requested because defense counsel has
20 become unavailable on September 05, 2007.

21 The parties further agree and stipulate that time should be excluded from September 05,
22 2007 through and including September 12, 2007 pursuant to Speedy Trial Act, 18 U.S.C.
23 §3161(h)(8)(A) and (B)(iv). Accordingly, the United States and the defendant agree that granting
24 the requested exclusion of time will serve the interest of justice and outweigh the interest of the
25 public and defendant in a speedy trial.
26

1 Dated: 09/04/07

/s/

NICHOLAS P. HUMY
Assistant Federal Public Defender

3 Dated: 09/04/07

/s/

TOM O'CONNELL
Assistant United States Attorney

6 **ORDER**

7 The parties have jointly requested a continuance of the status hearing set for September
8 05, 2007 due to the unavailability of defense counsel.

9 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
10 presently set for September 05, 2007 be continued to September 12, 2007 at 9:00a.m. as well as
11 the period of delay from September 05, 2007, to and including September 12, 2007, be excluded
12 for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections
13 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

15 Dated:

JUDGE FOGEL
United States District Judge